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Arizona Corporation Commission

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AZ CORP COMMISSION
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**IN THE MATTER OF U S WEST
 COMMUNICATIONS, INC.'S
 COMPLIANCE WITH § 271 OF THE
 TELECOMMUNICATIONS ACT OF 1996**

DOCKETED BY

Docket No. T-00000B-97-0238

**AT&T AND TCG'S RESPONSE
 TO STAFF'S MOTION FOR
 CLARIFICATION**

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively, "AT&T") hereby respond to the Motion for Clarification of Commission Staff ("Motion").

The Staff of the Arizona Corporation Commission ("Staff") "requests clarification that the Staff is to submit its Report *after* the OSS Workshop and the testing process is complete." Motion at 2 (emphasis added). AT&T respectfully disagrees. The Staff Report should be filed *before* the Master Test plan is implemented.

The bases of Staff's request is that Staff has scheduled additional workshops in an attempt to reach agreement on issues related to OSS testing and it "has only recently engaged a Third-Party Test Manager and Pseudo-CLEC to perform the necessary testing of U S WEST's OSS interfaces." Motion at 1. Although AT&T acknowledges that Staff has wisely added additional workshops and the third-party consultant and pseudo-CLEC were recently engaged, AT&T believes Staff's Motion ignores that the procedural orders have always reflected that the Report would be filed at the conclusion of the workshop process, not after completion of OSS testing.

On July 21, 1999, the Commission issued an Order that stated that Staff "shall schedule three workshops to be held over 90 days to facilitate a collaborative process to

determine OSS standards to satisfy the § 271 requirements.” It was also ordered that the collaborative process “shall include third-party testing of OSS.” Finally, the Staff was ordered to “file a Report no later than October 15, 1999, setting forth the OSS standards with which U S WEST must comply, the extent to which U S WEST does comply, and recommendations for necessary changes/modifications for U S WEST to comply with the § 271 requirements.”¹ To comply with the third-party testing requirement, Staff and its consultant, Doherty & Company, Inc., released a proposed Master Test Plan along with the Memorandum dated August 25, 1999, from David A. Motycka, Acting Assistant Director, Utilities Division, setting forth the purpose and agenda for the first workshop and the purposes of the two subsequent workshops.

On August 30, 1999, AT&T filed a Motion to Change the Dates for Workshops Established by Staff. The matter was heard before the Hearing Officers on September 2, 1999, at which time Staff proposed an alternative to AT&T’s proposal. The parties were generally satisfied with Staff’s alternate proposal. At the conclusion of this hearing, AT&T advised the Hearing Officers that the latest Procedural Order required Staff to file its Report on or before October 15, 1999; and, based on Staff’s proposal, the date for the Report would have to be extended to at least October 29, 1999. The Chief Hearing Officer asked Staff if it wanted to change the date to October 29, 1999, and Staff answered affirmatively. A Procedural Order was issued by the Hearing Officers on September 3, 1999, confirming the substance of the hearing held September 2, 1999, and granting Staff’s request to extend the date for filing the Report from October 15, 1999 to October 29, 1999.

¹ *U S WEST Communications, Inc. ’s Compliance with § 271 of the Telecommunications Act of 1996*, Docket No. T-00000B-97-0238, Order, Decision No. 61837 (Az. Corp. Comm. July 21, 1999), at 5.

Staff's Proposed Master Test Plan was released prior to the September 2 hearing and provided that a third-party consultant and pseudo-CLEC would be retained.² The schedule in the Proposed Master Test Plan (at page 48) reflects that completion of the testing in late March or early April 2000. Staff was well aware of the dates in the Proposed Master Test Plan at the hearing on September 2, 1999. If Staff truly believed that the Report envisioned by the Commission was to be filed after OSS testing and not after the OSS workshops, Staff should have sought an extension from October 15, 1999 to mid-April 2000. AT&T reasonably concluded that Staff always contemplated filing a Report at the conclusion of the OSS workshops and prior to implementation of the Master Test Plan.

There is good reason for Staff to file its Report at the conclusion of the OSS workshops. Staff can advise the Commission on what transpired at the workshops, summarize the parties' positions, give its conclusions and submit a copy of the Staff's proposed, final Master Test Plan. During the course of the OSS workshops, parties submitted extensive comments on the proposed Master Test Plan. Not all of the parties' recommendations have been or will be adopted. The Staff should file its Report -- identifying the recommended changes to the Master Test Plan adopted by Staff -- *before* the parties expend considerable money, time and resources implementing the Plan. Parties should then be allowed to file comments on the Report and proposed Master Test Plan. It makes more sense for the parties to express their concerns to the Commission before, not after, the Master Test Plan is implemented.³ AT&T believes Staff would welcome final comments on the Master Test Plan from the parties before the testing is initiated.

² The recent engagement of the third-party consultant and pseudo-CLEC does not provide support for Staff's Motion. Although it is AT&T's understanding Staff retained the two vendors later than Staff had intended, the workshop process also has been extended considerably. Therefore, the engagement of the vendors alone does not provide a basis for changing the time for filing the Report to after the OSS testing is completed.

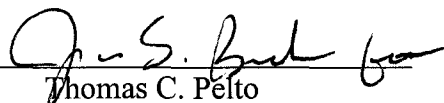
³ U S WEST has recently agreed to take over funding of Staff's consultant, Doherty & Company, Inc. AT&T has not raised any objections to this arrangement. However, AT&T has expressed its belief to Staff that such an

Under Staff's proposal, the Master Test Plan would be implemented and a report prepared after completion of testing. At that time, the Commission would receive comments about the deficiencies of the Master Test Plan and comments on the actual test results. Delaying the Staff Report in this manner would be a mistake. The appropriate time to comment on the deficiencies of the Master Test Plan is prior to initiating the Master Test Plan.

AT&T has no objections to Staff filing another report at the conclusion of the OSS testing. However, it has always been AT&T's understanding, based on Staff's proposals and the procedural orders, that Staff would file its Report before implementing the Master Test Plan. AT&T firmly believes that a Report should be filed by Staff prior to implementing the Master Test Plan. Furthermore, the parties should be given an opportunity to comment on the Report and the Master Test Plan before OSS testing is commenced.

RESPECTFULLY SUBMITTED this 4th day of November, 1999.

AT&T COMMUNICATIONS OF
THE MOUNTAIN STATES, INC.
AND TCG PHOENIX

By: 
Thomas C. Pelto
Mary B. Tribby
Richard S. Wolters
1875 Lawrence Street
Suite 1575
Denver, Colorado 80202
Telephone: 303-298-6471
Facsimile: 303-298-6301
E-mail: rwolters@att.com

arrangement makes it all the more important that parties have an opportunity to comment on the Report and Master Test Plan before testing is initiated to avoid the appearance of any conflict.

CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T and TCG's Response to Staff's Motion for Clarification were filed this 4th day of November, 1999, with:

Arizona Corporation Commission
Docket Control – Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

and that a copy of the foregoing was sent via United States Mail, postage prepaid, this 4th day of November, 1999 to the following:

David Motycka
Arizona Corporation Commission
Acting Assistant Director of Utilities
1200 West Washington Street
Phoenix, AZ 85007

Maureen Scott
Legal Division
Arizona Corporation Commission
Director of Utilities
1200 West Washington Street
Phoenix, AZ 85007

Mark A. DiNunzio
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Thomas H. Campbell
40 N. Central Avenue
Phoenix, AZ 85004

Timothy Berg
Fennemore Craig, P.C.
3003 North Central Ave., #2600
Phoenix, AZ 85012

Michael M. Grant, Esq.
Gallagher and Kennedy
2600 North Central Ave.
Phoenix, AZ 85004-3020

Thomas M. Dethlefs, Esq.
U S WEST Communications, Inc.
1801 California Street, #5100
Denver, CO 80202

Lex J. Smith
Michael W. Patten
Brown & Bain, P.A.
P. O. Box 400
2901 North Central Ave.
Phoenix, AZ 85001-0400

Thomas F. Dixon
MCI Telecommunications Corporation
707 – 17th Street, #3900
Denver, CO 80202

Carrington Phillip
Fox Communications, Inc.
1400 Lake Hearn Drive, N.E.
Atlanta, GA 30319

Scott Wakefield
Stephen Gibelli
Residential Utility Consumer Office
2828 North Central Ave., #1200
Phoenix, AZ 85004

Stephen H. Kukta
Sprint Communications Company L.P.
8140 Ward Parkway 5E
Kansas City, MO 64114

Daniel Waggoner
Davis Wright Tremaine
2600 Century Square
1502 Fourth Avenue
Seattle, WA 98101-1688

Karen Johnson
Penny Bewick
Electric Lightwave, Inc.
4400 NE 77th Ave
Vancouver, WA 98662

Charles Kallenbach
American Communications Services, Inc.
131 National Business Parkway
Annapolis Junction, MD 20701

Mark Dioguardi, Esq.
Tiffany and Bosco, P.A.
500 Dial Tower
1850 North Central Ave.
Phoenix, AZ 85004

Joyce Hundley
United States Dept. of Justice
Antitrust Division
1401 H Street NW, Suite 8000
Washington, DC 20530

Alaine Miller
NEXTLINK Communications, Inc.
500 108th Avenue NE, Suite 2200
Bellevue, WA 98004

Robert Munoz
WorldCom, Inc.
225 Bush Street, Suite 1900
San Francisco, CA 94014

Richard M. Rindler
Morton J. Posner
Swidler & Berlin Shereff Friedman, LLP
3000 K Street, N.W. – Suite 300
Washington, D.C. 20007-5116

Bill Haas
Richard Lipman
McLeod USA
6400 C Street SW
Cedar Rapids, IA 54206-3177

Richard Smith
Director of Regulatory Affairs
Cox Communications
2200 Powell Street, Suite 795
Emeryville, CA 94608

Kath Thomas
Brooks Fiber Communications
1600 South Amphlett Blvd., #330
San Mateo, CA 94402

Raymond S. Heyman, Esq.
Randall H. Warner, Esq.
Roshka Heyman & DeWulf
Two Arizona Center
400 N. Fifth Street, Suite 1000
Phoenix, AZ 85004

Thomas L. Mumaw, Esq.
Snell & Wilmer L.L.P.
One Arizona Center
Phoenix, AZ 85004-0001

Diane Bacon, Legislative Director
Communications Workers of America
Arizona State Council
District 7 AFL-CIO, CLC
5818 N. 7th Street, Suite 206
Phoenix, AZ 85014-5811

Douglas Hsiao
Rhythms Links Inc.
6933 Revere Parkway
Englewood, CO 80112

Jim Scheltema
Blumenfeld & Cohen
1625 Massachusetts Ave. N.W.
Suite 300
Washington, DC 20036

Jeffrey W. Crockett
SNELL & WILMER
One Arizona Center
Phoenix, AZ 85004-0001

Rex Knowles
NEXTLINK Communications, Inc.
111 E. Broadway, Suite 1000
Salt Lake City, UT 84111

Barry Pineles
GST TELECOM, INC.
4001 Main Street
Vancouver, WA 98663